

AMENDED IN SENATE JUNE 11, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 318

**Introduced by Assembly Member Chau
(Coauthor: Assembly Member Chiu)**

February 13, 2015

An act to amend, repeal, and add Sections 2080.1, 2080.2, and 2080.3 of, and to add and repeal Section 2080.9 of, the Civil Code, relating to lost and unclaimed property.

LEGISLATIVE COUNSEL'S DIGEST

AB 318, as amended, Chau. Lost money and goods: bicycles: restoration to owner.

Existing law requires a person who finds and takes possession of property that is lost to try and return it to the rightful owner. If the owner of the lost property cannot be determined and the item is worth \$100 or more, the finder is required to turn the item over to the police or sheriff, as specified. Existing law provides 90 days for the owner to return and claim the property and to pay any reasonable fee for its bailment. Existing law requires, if the reported value of the property is \$250 or more and the owner does not return and claim the property, the police or the sheriff to cause notice of the property to be published, as provided.

This bill, until December 31, 2020, would provide that if that lost property is found on a vehicle of public conveyance or on public transit property, that it instead be turned in to the public transit agency, and

would provide 90 days for the owner to return and claim the property, as specified. The bill, until December 31, 2020, also would require the public transit agency to cause notice of the property to be published under the circumstances described above. The bill, until January 1, 2021, would ~~require specified~~ *authorize a transit agency to utilize alternate unclaimed property procedures to be followed* with respect to lost or unclaimed bicycles turned in to or held by ~~a~~ *that* public transit agency.

Because this bill would impose new requirements on local transportation agencies, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2080.1 of the Civil Code is amended to
2 read:

3 2080.1. (a) If the owner is unknown or has not claimed the
4 property, the person saving or finding the property shall, if the
5 property is of the value of one hundred dollars (\$100) or more,
6 within a reasonable time turn the property over to the police
7 department of the city or city and county, if found therein, or to
8 the sheriff's department of the county if found outside of city
9 limits, or to the public transit agency if found on a vehicle of public
10 conveyance or on the public transit agency property, and shall
11 make an affidavit, stating when and where he or she found or saved
12 the property, particularly describing it. If the property was saved,
13 the affidavit shall state:

- 14 (1) From what and how it was saved.
- 15 (2) Whether the owner of the property is known to the affiant.
- 16 (3) That the affiant has not secreted, withheld, or disposed of
17 any part of the property.

1 (b) The police department or the sheriff’s department shall notify
2 the owner, if his or her identity is reasonably ascertainable, that it
3 possesses the property and where it may be claimed. The police
4 department or sheriff’s department may require payment by the
5 owner of a reasonable charge to defray costs of storage and care
6 of the property.

7 (c) If the personal property is found or saved on a vehicle of
8 public conveyance or on property belonging to a public transit
9 agency, the public transit agency shall notify the owner, if his or
10 her identity is reasonably ascertainable, that it possesses the
11 property and where it may be claimed. The public transit agency
12 may require payment by the owner of a reasonable charge to defray
13 the costs of storage and care of the property.

14 (d) This section shall only remain in effect until December 31,
15 2020, and as of that date is repealed.

16 SEC. 2. Section 2080.1 is added to the Civil Code, to read:

17 2080.1. (a) If the owner is unknown or has not claimed the
18 property, the person saving or finding the property shall, if the
19 property is of the value of one hundred dollars (\$100) or more,
20 within a reasonable time turn the property over to the police
21 department of the city or city and county, if found therein, or to
22 the sheriff’s department of the county if found outside of city
23 limits, and shall make an affidavit, stating when and where he or
24 she found or saved the property, particularly describing it. If the
25 property was saved, the affidavit shall state:

26 (1) From what and how it was saved.

27 (2) Whether the owner of the property is known to the affiant.

28 (3) That the affiant has not secreted, withheld, or disposed of
29 any part of the property.

30 (b) The police department or the sheriff’s department shall notify
31 the owner, if his or her identity is reasonably ascertainable, that it
32 possesses the property and where it may be claimed. The police
33 department or sheriff’s department may require payment by the
34 owner of a reasonable charge to defray costs of storage and care
35 of the property.

36 (c) This section shall become operative on January 1, 2021.

37 SEC. 3. Section 2080.2 of the Civil Code is amended to read:

38 2080.2. (a) If the owner appears within 90 days, after receipt
39 of the property by the police department or sheriff’s department,
40 proves his or her ownership of the property, and pays all reasonable

1 charges, the police department or sheriff’s department shall restore
2 the property to him or her.

3 (b) If the owner appears within 90 days after receipt of the
4 property by a public transit agency, proves his or her ownership
5 of the property, and pays all reasonable charges, the public transit
6 agency shall restore the property to him or her.

7 (c) This section shall only remain in effect until December 31,
8 2020, and as of that date is repealed.

9 SEC. 4. Section 2080.2 is added to the Civil Code, to read:

10 2080.2. (a) If the owner appears within 90 days after receipt
11 of the property by the police department or sheriff’s department,
12 proves his or her ownership of the property, and pays all reasonable
13 charges, the police department or sheriff’s department shall restore
14 the property to him or her.

15 (b) This section shall become operative on January 1, 2021.

16 SEC. 5. Section 2080.3 of the Civil Code is amended to read:

17 2080.3. (a) If the reported value of the property is two hundred
18 fifty dollars (\$250) or more and no owner appears and proves his
19 or her ownership of the property within 90 days, the police
20 department, sheriff’s department, or public transit agency shall
21 cause notice of the property to be published at least once in a
22 newspaper of general circulation. If, after seven days following
23 the first publication of the notice, no owner appears and proves
24 his or her ownership of the property and the person who found or
25 saved the property pays the cost of the publication, the title shall
26 vest in the person who found or saved the property unless the
27 property was found in the course of employment by an employee
28 of any public agency, in which case the property shall be sold at
29 public auction. Title to the property shall not vest in the person
30 who found or saved the property or in the successful bidder at the
31 public auction unless the cost of publication is first paid to the city,
32 county, or city and county whose police or sheriff’s department
33 or public transit agency caused the notice to be published.

34 (b) If the reported value of the property is less than two hundred
35 fifty dollars (\$250) and no owner appears and proves his or her
36 ownership of the property within 90 days, the title shall vest in the
37 person who found or saved the property, unless the property was
38 found in the course of employment by an employee of any public
39 agency, in which case the property shall be sold at public auction.

1 (c) This section shall only remain in effect until December 31,
2 2020, and as of that date is repealed.

3 SEC. 6. Section 2080.3 is added to the Civil Code, to read:

4 2080.3. (a) If the reported value of the property is two hundred
5 fifty dollars (\$250) or more and no owner appears and proves his
6 or her ownership of the property within 90 days, the police
7 department or sheriff's department shall cause notice of the
8 property to be published at least once in a newspaper of general
9 circulation. If, after seven days following the first publication of
10 the notice, no owner appears and proves his or her ownership of
11 the property and the person who found or saved the property pays
12 the cost of the publication, the title shall vest in the person who
13 found or saved the property unless the property was found in the
14 course of employment by an employee of any public agency, in
15 which case the property shall be sold at public auction. Title to the
16 property shall not vest in the person who found or saved the
17 property or in the successful bidder at the public auction unless
18 the cost of publication is first paid to the city, county, or city and
19 county whose police or sheriff's department caused the notice to
20 be published.

21 (b) If the reported value of the property is less than two hundred
22 fifty dollars (\$250) and no owner appears and proves his or her
23 ownership of the property within 90 days, the title shall vest in the
24 person who found or saved the property, unless the property was
25 found in the course of employment by an employee of any public
26 agency, in which case the property shall be sold at public auction.

27 (c) This section shall become operative on January 1, 2021.

28 SEC. 7. Section 2080.9 is added to the Civil Code, to read:

29 2080.9. ~~Notwithstanding any other law, all of the following~~
30 ~~shall apply with~~ *As an alternative to the unclaimed property*
31 *procedures in Sections 2080.1 to 2080.3, inclusive, a transit agency*
32 *may elect to utilize all of the following procedures with respect to*
33 *a lost or unclaimed bicycle turned in to or held by a that public*
34 *transit agency:*

35 (a) If the owner of a bicycle appears within 45 days after receipt
36 of that bicycle by a public transit agency, proves his or her
37 ownership of the bicycle, and pays all reasonable charges, the
38 public transit agency shall restore the bicycle to him or her.

1 (b) (1) If the bicycle remains unclaimed after 45 days, the public
2 transit agency may dispose of the unclaimed bicycle by sale at
3 public auction to the highest bidder.

4 (2) The public transit agency shall give notice of the sale at least
5 five days before the time fixed for the sale by publication in a
6 newspaper of general circulation published in the county in which
7 the bicycle was found.

8 (3) Any bicycles remaining unsold after being offered for sale
9 at the public auction may be destroyed or otherwise disposed of
10 by the public transit agency.

11 (c) (1) Notwithstanding subdivision (b), a public transit agency
12 may donate bicycles unclaimed after 45 days to a charitable
13 organization if both of the following conditions are met:

14 (A) The board of the public transit agency holds a public hearing
15 to determine the charitable organization that will receive a donated
16 bicycle.

17 (B) The public transit agency provides notice, at least five days
18 before the time fixed for the donation, by publication in a
19 newspaper of general circulation published in the county in which
20 the public transit agency operates. The notice shall identify the
21 time period during which the bicycles to be donated were found
22 or saved by the public transit agency, the name of the charity
23 receiving the donation, the date of the donation, and where
24 unclaimed bicycles may be claimed prior to the date of the
25 donation.

26 (2) The public transit agency shall not donate unclaimed bicycles
27 more than two times per calendar year and the number of bicycles
28 donated shall not exceed 25 percent of the total number of lost or
29 unclaimed bicycles found or saved by the public transit agency
30 during the prior six months.

31 (d) (1) Any public transit agency that donates unclaimed
32 bicycles to a charitable organization pursuant to this section shall
33 submit to the Assembly and Senate Committees on Judiciary, on
34 or before January 1, 2020, a report that details, for each of the four
35 preceding calendar years, the following information:

36 (A) The total number of bicycles received.

37 (B) The total number of bicycles claimed by an owner within
38 45 days.

39 (C) The average number of days of storage for each bicycle
40 successfully claimed.

1 (D) The total number of bicycles donated to a charitable
2 organization.

3 (E) The names of all charitable organizations that received
4 donated bicycles and the number of bicycles donated to each of
5 those organizations.

6 (F) The total number of bicycles offered at public auction or
7 sale.

8 (G) The average selling price of each bicycle sold at public
9 auction or sale.

10 (2) A report to be submitted pursuant to paragraph (1) shall be
11 submitted in compliance with Section 9795 of the Government
12 Code.

13 (e) This section shall remain in effect only until January 1, 2021,
14 and as of that date is repealed.

15 SEC. 8. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.